



EXHIBIT 6  
DATE 4-3-13  
HB SB237

Representative Gerald Bennett  
Chair, House Natural Resources Committee

April 3, 2013

Representative Pat Connell, Vice-Chair  
Representative Virginia Court, Vice-Chair

RE: **SB 237 – Prohibit net gain of State Lands**

Dear Representatives Bennett, Connell & Court,

As the Open Space Program Manager for the City of Missoula, I am writing to express strong opposition against SB 237 because it would limit MT Fish, Wildlife, & Parks' ability to protect wildlife. Although FWP mostly focuses on using conservation easements as their main tool to protect habitat, sometimes private landowners wish to sell their property instead of granting an easement, and thus the ability to purchase is also an important protection tool.

FWP has been an important partner to the City in our open space protection program. For example, in 1996, FWP purchased 120 acres north of the Mt. Jumbo Saddle with money from the Habitat MT program in order to protect critical elk winter range. The acreage is adjacent to approximately 1,465 acres that the City purchased as a major cornerstone of our open space system. The 120 acres was a very important addition that preserved a part of the Mt. Jumbo Saddle area for the elk to travel from the northern part of the mountain to the southern slopes. We greatly appreciated the ability of FWP to be able to purchase this property.

Another example took place in 2007 when the City purchased 40 acres adjacent to FWP's Kelly Island, a 660 acre island surrounded by the Clark Fork and Bitterroot Rivers. This island consists of prime native cottonwood riparian habitat that is listed by Audubon as a nationally Important Bird Area utilized by dozens of bird and mammal species. Because Missoula County residents had approved an Open Space Bond in 2006, we had the funds available to purchase the property when the landowners offered to sell it to the City. However, because it was adjacent to Kelly Island, the most appropriate new owner was FWP. We partnered with FWP to take it through the local government and state approval process; FWP paid the appraisal cost and a portion of the closing costs, the City paid the purchase price, and then we gifted the land to FWP.

In addition to protecting wildlife habitat, the City's partnering with FWP has also resulted in preserving a critical trail connection in 2011. Five Valleys Land Trust used a combination of funds (including the City's Open Space Bond funds) to purchase a 65 acre parcel along the Clark Fork River across from the new Mill Town State Park. This parcel was needed to extend the Milwaukee Trail (aka Kim Williams Trail) east to Bonner. After the purchase, FVLT gifted 35 of the acres to FWP as it was adjacent to the Mill Town overlook parcel that had been gifted to FWP earlier that year.

The current amended version of SB 237 would amend MCA 23-1-102(3) as follows: A contract, for any of the purposes of this part, may not be entered into or another obligation incurred until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains to acquisition of areas or sites ~~in excess of either 100 acres or \$100,000 in value~~, the board of land commissioners shall specifically approve the acquisition. Land purchases must be approved by the board of land commissioners. To the extent practical and consistent with the board of land commissioners' powers and duties pursuant to 77-1-202, land purchases may not result in a net gain in land owned by the state on [the effective date of this act] except in the case of purchasing fishing access sites that consist of less than 5 acres.

These amendments would severely curtail FWP's ability to purchase or accept donated lands and therefore I urge the committee to please vote no on this bill.

Sincerely,

Jacquelyn Corday, Open Space Program Manager